

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,) 3:93-cr-00075-HDM-VPC
13 Plaintiff,)
14 vs.) ORDER
15 PAULA ANDREWS,)
16 Defendant.)

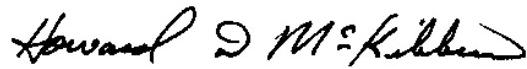
17 Before the court is defendant Paula Andrews' ("defendant")
18 motion pursuant to 18 U.S.C. § 3582(c) (2) (#168). Section
19 3582(c) (2) provides that where a defendant "has been sentenced to a
20 term of imprisonment based on a sentencing range that has
21 subsequently been lowered by the Sentencing Commission . . . the
22 court may reduce the term of imprisonment." Defendant has not
23 shown that the Sentencing Commission subsequently lowered the
24 sentencing range applicable to her crimes. As defendant has not
25 established that she is entitled to any relief under § 3582(c) (2),
26 her motion pursuant to § 3582(c) (2) (#168) is **DENIED**.

27 Defendant's motion in fact relies not on any actions taken by
28

1 the Sentencing Commission but on the Supreme Court's decision in
2 *Johnson v. United States*, - U.S. -, 135 S. Ct. 2551 (2015). The
3 appropriate basis for a motion seeking relief pursuant to *Johnson*
4 is 28 U.S.C. § 2255. The court therefore construes defendant's
5 motion as being brought pursuant to § 2255. As explained in the
6 court's order of February 20, 2014 (Doc. #163), any § 2255 petition
7 in this case is second or successive. The court may not consider a
8 second or successive § 2255 motion absent a certificate from the
9 Court of Appeals authorizing it to do so. 28 U.S.C. § 2255(h); *id.*
10 § 2244; *United States v. Washington*, 653 F.3d 1057, 1065 (9th Cir.
11 2011). The court has no such certification before it. As the
12 court thus lacks jurisdiction to consider defendant's second or
13 successive petition, the petition is hereby **DISMISSED**.

14 IT IS SO ORDERED.

15 DATED: This 6th day of May, 2016.

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18 UNITED STATES DISTRICT JUDGE
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